REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	03 February 2004
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	D68
Other Known Title(s):	Not Stated
Director(s):	Not Stated
Producer(s):	Not Stated
Publisher:	Not Applicable
Author(s):	Not Applicable
Format:	VCD
Country of Origin:	Japan
Language(s):	Japanese

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Components of film originally examined:

Feature:	D68	Running Time:	75.47
Trailers:	Nil	Running Time:	
		Total Running Time:	75.47

Excision/Alteration: Excisions recommended.

Reason(s) for Excision:

One excision is required. This is to remove a scene which promotes and supports the use of coercion to compel a woman to participate in sexual conduct. The female is approached by a male for sex or sexual favours. By the female's body language and facial expressions, it is clear that she isn't interested in his advances. He ignores her distress and protests, and after dragging her into a room, engages in sexual activity with her. The female is clearly in a position in which she is distraught and afraid and that she has no control over.

… Please turn over

Classification Decision:

The specified excision has been agreed to. Therefore, the film is classified as **Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.**

If the part or parts of the film specified are not excised from the film the publication is classified as **Objectionable.**

Display Conditions:

Nil.

Descriptive Note:

Contains explicit sex scenes.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The VCD entitled *D68* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

This classification is dependent on an excision being made to remove the first scene of the publication, which would result in the publication promoting and supporting the use of coercion to compel a woman to participate in or submit to sexual conduct.

The VCD comprises a feature, which appears to originate in Japan, with dialogue in Japanese. The main focus of the feature is the explicit depiction of sexual activity, some of which is moderately degrading, dehumanising and demeaning in nature. Were the particular scene excised, the publication would no longer promote and support the use of coercion to compel any person to participate in or submit to sexual conduct. Restricting the excised publication to an adult audience would be considered sufficient to prevent likely injury to the public good which could result from the publication's availability.

The criteria used by the Classification Office to limit the availability of this publication are prescribed by law. If the excision was not made on this publication, the classification of objectionable represents the minimum interference with the freedom of expression consistent with preventing likely injury to the public good. If the excision was made, a lesser restriction, that of objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years, would be

sufficient to prevent such injury. For this reason, the Classification Office is of the view that the classifications that entail from the recommended excision being accepted or rejected are demonstrably justified in any free and democratic society in terms of the New Zealand Bill of Rights Act 1990.

OFLC No: 302069